

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Shannon Sassone	Team: Squad #12	CCRB Case #: 202003761	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 05/30/2020 2:15 PM	Location of Incident: Fulton Street and Flatbush Avenue	Precinct: 88	18 Mo. SOL 11/30/2021	EO SOL 5/4/2022	
Date/Time CV Reported Sat, 05/30/2020 3:07 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sat, 05/30/2020 3:07 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Jose Sanchez	18691	942501	084 PCT
2. POF Sophia Campbell	7577	968311	084 PCT
3. Officers			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Bettina Alfred	8294	968219	REC TNG
2. LT Michael Iannuzzi	00000	948048	084 PCT
3. POM Christophe Ciaccio	19606	951612	ESS 08
4. POM Bruce Pollock	08027	961111	088 PCT
5. POM Andrew Genao	26736	965130	084 PCT
6. POF Samantha Hill	25521	965190	084 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Jose Sanchez	Force: Police Officer Jose Sanchez used physical force against § 87(2)(b)	
B. Officers	Force: Officers used physical force against § 87(2)(b)	
C.POF Sophia Campbell	Force: Police Officer Sophia Campbell used physical force against § 87(2)(b)	
D. Officers	Force: Officers used physical force against § 87(2)(b)	
§ 87(4-b) § 87(2)(g)		
§ 87(4-b) § 87(2)(g)		

## Case Summary

On May 30, 2020, § 87(2)(b) submitted this complaint via the CCRB website on behalf of § 87(2)(b) and § 87(2)(b).

On May 30, 2020, at approximately 2:15 p.m., § 87(2)(b) was standing in Albee Square in the vicinity of 395 Flatbush Avenue Extension in Brooklyn, when she witnessed PO Jose Sanchez, of the 84<sup>th</sup> Precinct, and unidentified officers use force in the apprehension of § 87(2)(b) (Allegation A: Force, § 87(2)(g)) (Allegation B: Force, § 87(2)(g)). She also witnessed PO Sophia Campbell, also of the 84<sup>th</sup> Precinct, use force to apprehend § 87(2)(b) (Allegation C: Force, § 87(2)(g)) (Allegation D: Force, § 87(2)(g)). § 87(2)(b) was arrested and charged with § 87(2)(b). § 87(2)(b) was arrested on unknown charges.

§ 87(4-b) § 87(2)(g)

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The investigation received 12 files of Body Worn Camera footage (Board Review 01; summaries in Board Review 02-13).

## Findings and Recommendations

**Allegation (A) Force: Police Officer Jose Sanchez used physical force against § 87(2)(b)**

**Allegation (B) Force: Officers used physical force against § 87(2)(b)**

It is undisputed that PO Sanchez used force against § 87(2)(b).

§ 87(2)(b) stated in her CCRB interview (Board Review 14) that on May 30, 2020, at approximately 2:15 PM, she was standing at a triangular plaza, located on the southeastern corner of Fulton Street and Flatbush Avenue in Brooklyn. Approximately six to eight civilians were present in the area when § 87(2)(b) observed two or three marked police vehicles stop in the middle of Fulton Street, near Hudson Street. She observed approximately five police officers exit these vehicles and run after a male that was unknown to her. This individual was identified by the investigation as § 87(2)(b) a § 87(2)(b) old male. § 87(2)(b) appeared to be running south, from the intersection of Hudson Street and Fulton Street, towards a CVS pharmacy. Three officers caught up with § 87(2)(b) in the middle of the triangular plaza. § 87(2)(b) stated that when officers caught up to § 87(2)(b) they threw or tackled him to the ground by placing their hands on his chest and upper arms. Applying this pressure caused him to move from a standing position to laying on the ground on his side. Immediately after the officers maneuvered § 87(2)(b) onto the ground and applied a zip-tie to restrain his hands behind his body. § 87(2)(b) could not hear anything the officers said throughout this portion of the incident.

The investigation did not obtain a statement from § 87(2)(b). Because § 87(2)(b) was § 87(2)(b) old, his arrest report was not available. A Threat, Resistance, and Injury Report (TRI) identified § 87(2)(b) name, but the report was redacted such that it did not provide his address. Due to his age, the investigation was unable to conduct database searches for additional

information.

TRI § 87(2)(b) (Board Review 16) was completed in regards to force used against § 87(2)(b). The report contains a worksheet completed by PO Sanchez that notes that he used force against § 87(2)(b). The type of force used was a “Forcible takedown,” and the reason for the use of force was listed as “Fleeing subject.” The TRI does not list that any other officers were involved in the apprehension of § 87(2)(b).

In PO Sanchez stated in his CCRB interview (Board Review 15) that on May 30, 2020, he received a 10-13 radio request for assistance. When PO Sanchez arrived at the location, a description was put over the radio for individuals running out of a Target store in Albee Square. PO Sanchez did not recall the description. At the location, PO Sanchez witnessed two people running out of the Target but did not recall what they looked like. He pursued the two men, identified by the investigation as § 87(2)(b) and § 87(2)(b) because they fit the description provided over the radio and because they were fleeing the scene on foot. PO Sanchez pursued § 87(2)(b) and § 87(2)(b) in his police vehicle and could not recall if he left his vehicle at any time. PO Sanchez did not recall for how long they pursued § 87(2)(b) and § 87(2)(b). When asked if he had any physical interactions with § 87(2)(b) or § 87(2)(b), PO Sanchez said, “I am not sure. I probably did. Most likely. I don’t remember.” PO Sanchez did not recall if § 87(2)(b) resisted arrest. PO Sanchez was shown TRI § 87(2)(b) (Board Review 16), which notes that he was involved in a forcible takedown of § 87(2)(b). When asked if this refreshed his memory, PO Sanchez said, “No. But if I took down a suspect then I took down a suspect. Piece by piece, no.”

In PO Sanchez’s body-worn camera (BWC) footage (Board Review 01), in a file titled 2020-05-30\_14-03-52.avi, starting at 00m08s in the recording, PO Sanchez is depicted making a radio report. Two police officers kneel over a male, identified by the investigation as § 87(2)(b), laying prone on the ground several feet away from PO Sanchez. PO Sanchez turns to reveal two other officers kneeling near a male identified by the investigation as § 87(2)(b). At 4m53s, an unidentified lieutenant asks PO Sanchez, “Did you speak to the CV [911 complainant / victim]?” PO Sanchez responds that the 911 complainant pointed out § 87(2)(b) and others. At 5m40s, the lieutenant tells PO Sanchez, “If you swepted them, you need TRIs.” PO Sanchez responds that he was the officer who “swept” and handcuffed § 87(2)(b). PO Sanchez’s BWC footage does not depict a use of force.

No other BWC footage depicts force used against § 87(2)(b) (Board Review 01; summaries attached to Board Review 02-Board Review 13).

Attempts to locate surveillance video footage from commercial establishments in the immediate vicinity of the apprehension yielded negative results.

NYPD Patrol Guide Procedure 221-01 (Board Review 17) states that “force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances. If the force used is unreasonable under the circumstances, it will be deemed excessive and in violation of Department policy.”

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

**Allegation (C) Force: Police Officer Sophia Campbell used physical force against § 87(2)(b)**

**Allegation (D) Force: Officers used physical force against § 87(2)(b)**

It is undisputed that PO Campbell used force against § 87(2)(b)

§ 87(2)(b) stated in her CCRB interview (Board Review 14) as the officers physically engaged § 87(2)(b) she moved away from the middle of the plaza towards the crosswalk across Fulton Street near Hudson Street. As she stood at the crosswalk, § 87(2)(b) observed a male that was unknown to her cross the street from the direction of a McDonald's restaurant located north across the edge of the plaza. This male was identified by the investigation as § 87(2)(b). As § 87(2)(b) crossed the street, at least two officers moved towards him. § 87(2)(b) did not hear the officers say anything to § 87(2)(b) before they grabbed his arms. § 87(2)(b) stated that officers grabbed § 87(2)(b)'s upper arms and appeared to exert downward pressure causing him to go from standing to on the ground. § 87(2)(b) was unable to describe the specific officers who took this action. § 87(2)(b) was put on his right side on the ground. Officers immediately put § 87(2)(b)'s arms behind his back and placed his hands in zip-ties.

The investigation did not obtain a statement from § 87(2)(b) because he declined to provide a statement to the CCRB. On June 30, 2020, § 87(2)(b) informed the investigation that he did not want to provide a statement (Board Review 24).

PO Campbell stated in her CCRB interview (Board Review 18) on May 30, 2020, at 2:00 p.m., she responded to 455 Albee Square regarding a request for assistance. The radio call stated that officers had a suspect who was fleeing and provided a description of the suspect. PO Campbell did not recall the description that was provided at the time of the interview. At 2:10 p.m., PO Campbell arrived at the Flatbush Avenue Extension with PO Sanchez in their police vehicle. PO Campbell

observed the suspect, identified by the investigation as § 87(2)(b) running away on foot. PO Campbell exited her vehicle and began to run after § 87(2)(b). The pursuit lasted approximately two minutes. As PO Campbell ran after § 87(2)(b) she instructed him to stop running, but § 87(2)(b) did not comply. PO Campbell caught up to § 87(2)(b) and pushed one of her hands onto § 87(2)(b)'s lower back. PO Campbell did not recall if she pushed or pulled § 87(2)(b). PO Campbell was not able to describe the specific physical process by which she and § 87(2)(b) went to the ground, but surmised that this occurred due to the relative momentum of running. PO Campbell's goal in making physical contact with § 87(2)(b) was to apprehend him, not to push him to the ground. After § 87(2)(b) was taken to the ground, PO Campbell and an unidentified officer returned § 87(2)(b) to his feet. § 87(2)(b) did not have any visible injuries nor did he complain of pain or request medical attention in her presence. Lieutenant Michael Ianuzzi responded to the scene and, after he debriefed her, she instructed PO Campbell to prepare a TRI report due to her use of force.

A TRI report (Board Review 16) prepared by PO Campbell states PO Campbell used a forcible take down in the apprehension of § 87(2)(b). The reason for the force was reported as "Fleeing suspect."

None of the BWC files depict the apprehension of § 87(2)(b) (Board Review 01).

BWC file \2020-05-30\_14-06-00.avi (Board Review 01) at 04s15m in the recording depicts PO Campbell being asked if she apprehended § 87(2)(b). PO Campbell says, "Yeah, I tackled him." At 04m35s, PO Campbell is asked how she took § 87(2)(b) down. PO Campbell says, "I just grabbed him and dropped him down."

In BWC footage file \2020-05-30\_14-04-12.avi (Board Review 01) at 05m40s, the recording officer speaks with various other officers on scene. At 7m40s, the recording officer speaks with PO Campbell, who states that she tackled § 87(2)(b) causing phones on his person to come out of his pockets.

Attempts to locate surveillance video footage from commercial establishments in the immediate vicinity of the apprehension yielded negative results.

NYPD Patrol Guide Procedure 221-01 governing the use of force (Board Review 17) states that "force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances. If the force used is unreasonable under the circumstances, it will be deemed excessive and in violation of Department policy."

§ 87(2)(g)  
[REDACTED]

§ 87(2)(g) [REDACTED]  
[REDACTED]  
[REDACTED]

§ 87(2)(b) [REDACTED] reported that at least two officers used force against § 87(2)(b) [REDACTED] though she could not describe the officers who used this force. In police documentation and in PO Campbell's contemporaneous statements documented by body-worn camera footage, PO Campbell is identified as the sole officer who used force against § 87(2)(b) [REDACTED]. No other officers were identified in police statement, documentation, or video evidence as being involved in the apprehension of § 87(2)(b) [REDACTED].

§ 87(2)(g) [REDACTED]  
[REDACTED]  
[REDACTED]

§ 87(4-b) § 87(2)(g) [REDACTED] -  
[REDACTED]  
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**Civilian and Officer CCRB Histories**

- This is the first CCRB complaint of which § 87(2)(b) has been a party.
- PO Sophia Campbell has been a member-of-service for one year and this is the first CCRB complaint to which she has been a subject.
- PO Jose Sanchez has been a member of service for fifteen years and has been a subject in eight CCRB complaints and thirteen allegations, of which one was substantiated (Board Review 21).
  - 202000198 involved substantiated allegations of Abuse of Authority against PO Sanchez. The Board recommended Command Discipline B and the NYPD imposed Command Discipline B.

**Mediation, Civil and Criminal Histories**

- § 87(2)(b) declined to mediate this complaint.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- As of March 31, 2021, the New York City Office of the Comptroller has no record of any notices of claim being filed in regards to this case (Board Review 23).

Squad No.: 12

Investigator:	<u>Shannon Sassone</u>	Investigator Shannon Sassone	12/15/2021
	Signature	Print Title & Name	Date

Squad Leader:	<u>Carlmais Johnson</u>	IM Carlmais Johnson	December 28, 2021
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date